Amendment and Response under 37 C.F.R. 1.116
Applicant: Dellas G. Frederiksen
Serial No.: 09/935,806
Filed: August 23, 2001
Docket No.: 10005155-1
Title: PROCESS POWER BROKERING APPARATUS AND METHOD

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REMARKS

The following Remarks are made in response to the Final Office Action mailed July 11, 2005, in which claims 1-20 were rejected. With this Amendment, claims 1-5, 8, 9, and 12-20 have been amended to clarify Applicant's invention. Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tominaga Patent Application Publication No. 2002/0015180 in view of Ferlitsch et al. Patent Application Publication No. 2002/0089687.

With this Amendment, independent claim 1 has been amended to clarify that the compute cycle brokering apparatus includes a plurality of printing machines connected to the network wherein some printing machines are idle and some printing machines are busy, a process power broker connected to the network for locating available processing power on idle printing machines and directing a pending print job from a busy printing machine to an idle printing machine for processing only of the print job at the idle printing machine before printing, and a job director for directing the processed print job back to the busy printing machine for printing.

With this Amendment, independent claim 8 has been amended to clarify that the compute cycle brokering apparatus includes a process power broker that identifies idle MFPs and directs a pending print job from a busy MFP to an idle MFP for processing only of the print job before printing, and includes a job director that directs the print job back to the busy MFP for printing after the print job has been processed by the idle MFP.

With this Amendment, independent claim 12 has been amended to clarify that the method for compute cycle brokering includes connecting a process power broker to the network for locating available processing power on idle MFPs and directing a pending print job from a busy MFP to an idle MFP for processing only of the pending print job before printing, and includes providing a job director for directing the pending print job back to the busy MFP for printing after processing by the idle MFP.

With this Amendment, independent claim 18 has been amended to clarify that the computer program product includes instructions for a process power broker for locating

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available processing power on idle MFPs and directing a pending print job from a busy MFP to an idle MFP for processing only of the pending print job before printing, and includes instructions for a job director for directing the pending print job back to the busy MFP for printing after processing by the idle MFP.

With respect to the Tominaga and Ferlitsch et al. publications, neither of these publications, individually or in combination, teach or suggest a compute cycle brokering apparatus, as claimed in independent claim 1, a network including a compute cycle brokering apparatus, as claimed in independent claim 8, a method for compute cycle brokering, as claimed in independent claim 12, nor a computer program product, as claimed in independent claim 18. For example, with the process of the Ferlitsch et al. publication, when the default printer is not available, the process checks the status of other printing devices to determine if any of them are available, and if another printing device is available, the print task is rolled over or directed to that available printing device instead of the default device (para. [0046]). As such, with the process of the Ferlitsch et al. publication, actual printing of the print job is directed to an available printing device when the default printer is not available. If the default printer is not available, the process of the Ferlitsch et al. publication, however, does not direct a pending print job to an available printing device for processing only of the print job at the available device before printing, and does not direct the processed print job back to the default printer for printing.

In view of the above, Applicant submits that independent claims 1, 8, 12, 18 are each patentably distinct from the Tominaga and Ferlitsch et al. publications and, therefore, are each in a condition for allowance. Furthermore, as dependent claims 2-7 further define patentably distinct claim 1, dependent claims 9-11 further define patentably distinct claim 8, dependent claims 13-17 further define patentably distinct claim 12, and dependent claims 19-20 further define patentably distinct claim 18, Applicant submits that these dependent claims are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 1-20 under 35 U.S.C. 103(a) be reconsidered and withdrawn and that claims 1-20 be allowed.

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Double Patenting

Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/847,878.

Concurrently with this Amendment, a terminal disclaimer in compliance with 37 CFR 1.321(c) has been filed to overcome the non-statutory double patenting rejection based on Application No. 09/847,878.

In view of the above, Applicant submits that the non-statutory double patenting rejection of claims 1-20 has been overcome. Applicant, therefore, respectfully requests that the rejection of claims 1-20 under the judicially created doctrine of obviousness-type double patenting be reconsidered and withdrawn and that these claims be allowed. Applicant submits that the filing of this terminal disclaimer is to obviate the rejection based on non-statutory double patenting and is not an admission of the propriety of the rejection.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-20 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Nathan Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:
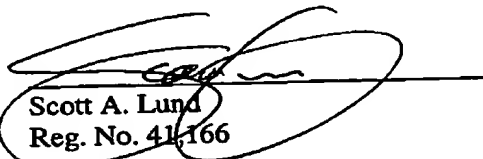
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this _12TH_ day of September, 2005.

By
Name: Scott A. Lund

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